

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Paul Rondeau

v.

Case No. 12-fp-498

David Dionne, Superintendent,
Hillsborough County Department
of Corrections

REPORT AND RECOMMENDATION

Before the court is Paul Rondeau's request for a preliminary injunction (doc. no. 1), which has been docketed as the complaint in this matter. The request for preliminary injunctive relief contained in the complaint (doc. no. 1) has been referred to this magistrate judge for a report and recommendation as to disposition. See Order (doc. no. 3). This court issued an order on December 20, 2012 (doc. no. 4) ("December 20th order"), finding that Rondeau's pleading, as submitted, was inadequate to demonstrate a plausible claim for preliminary injunctive relief, and directing Rondeau to file an amended complaint and an amended motion for preliminary injunctive relief within thirty days.

Almost 90 days have passed since the court issued the order to amend, and Rondeau has not filed any amended pleadings. For

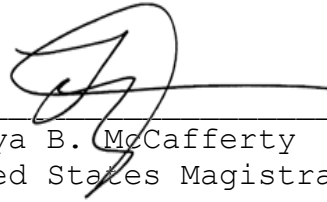
reasons explained in the December 20th order, the court finds that Rondeau has failed to demonstrate that he is entitled to preliminary injunctive relief, and recommends that the request for such relief be denied.

Further, Rondeau has not yet been granted in forma pauperis status or paid his filing fee in this case, which the court ordered him to do on December 18, 2012. This action has not, therefore, actually been opened as a civil case in the court's docket. At this time, the court recommends that this matter be dismissed, without prejudice, for failure to pay the filing fee in this case.

Conclusion

For the foregoing reasons, the court recommends that the request for preliminary injunction contained in the complaint in this matter (doc. no. 1) be denied and the case be dismissed without prejudice. Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617

F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya B. McCafferty
United States Magistrate Judge

March 18, 2013

cc: Paul Rondeau, pro se

LBM:jba